

FILED UNDER SEAL

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

[UNDER SEAL],

PLAINTIFF,

v.

[UNDER SEAL],

DEFENDANTS

No. 15 Civ. _____

FILED UNDER SEAL

MOTION FOR AN ORDER TO SHOW CAUSE

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

v.

ARKADIY DUBOVOY, et al.,

Defendants.

CA No.

**PLAINTIFF'S *EX PARTE* MOTION FOR A
TEMPORARY RESTRAINING ORDER
FREEZING ASSETS, GRANTING OTHER
RELIEF, AND ORDER TO SHOW CAUSE**

Pursuant to Section 20(b) and 20(d)(1) of the Securities Act of 1933, 15 U.S.C. §§ 77t(b) and (d)(1), Section 21(d)(1) of the Securities Exchange Act of 1934, 15 U.S.C. § 78aa, and Federal Rule of Civil Procedure 65(b), plaintiff Securities and Exchange Commission (the "Commission") requests that this Court issue a temporary restraining order: (i) freezing assets; (ii) requiring repatriation of assets; (iii) prohibiting defendants from destroying, altering, or concealing records of any kind; (iv) ordering defendants to show cause, if any, why a preliminary injunction freezing such assets should not be entered; and (v) authorizing the substitution of service by personal delivery, facsimile, overnight courier, email or first-class mail of these papers and any resulting Order. The relief is necessary to preserve the status quo pending a more fulsome hearing regarding the motion and the improper conduct.

In support of this motion, the Commission incorporates by reference the Complaint, the supporting memorandum of law, and the Declarations of Lynn O'Connor, Kenneth Zavos, and Daniel Koster.

Pursuant to Rule 65(b), counsel for the Commission has certified in his attached declaration that no efforts have been made to give notice to the defendants. Providing notice to

defendants would alert them to the Commission's claims against them and provide them an opportunity to transfer their ill-gotten gains out of the United States or otherwise dissipate their assets.

For all the reasons set forth in the supporting memorandum of law, the Complaint, and the other documents cited above, the Commission respectfully requests that the Court grant the Commission's Motion and enter the Temporary Restraining Order Freezing Assets, Granting Other Relief, and Order to Show Cause

Respectfully submitted,

By: s/ John Donnelly
David Axelrod
Kelly Gibson
John Donnelly

U.S. Securities and Exchange Commission
Philadelphia Regional Office
1617 JFK Boulevard, Suite 520
Philadelphia, PA 19103
(215) 597-31000
DonnellyJ@sec.gov

Of Counsel
Joseph Sansone

Dated: August 10, 2015